

APPROVED 1-15-09
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Zoning Board of Appeals meeting held on Thursday, December 18, 2008 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa Ranciato–Viele, Vice Chairman
Donald F. Clark, Secretary
Caren M. Genovese
Joseph Cappucci
Robert E. Martin, Alternate
Cheryl Juniewicz, Alternate

MEMBERS ABSENT:

Mary Jane Mulligan, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:01 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

Mr. Clark read the call for the first agenda item.

1. #08-53 Application of Joseph Sorrentino, Owner and Applicant, relative to 139 Middletown Avenue, (Map 7, Lot 21), per Section 4.4.1, requesting a variance to permit three (3), two (2) bedroom apartments in a building in a CB-20 Zoning District. CB-20 Zoning District.

Mr. Joseph Sorrentino, owner and applicant, presented the application to permit three, two bedroom, approximately 850 square feet each, apartments in a CB-20 Zoning District. Montowese Meat Market occupies the first floor. The second floor is currently vacant. There are a total of 26 parking spaces. The applicant is proposing two parking spaces per apartment leaving 20 spaces for Montowese Meat Market. The site is zoned commercial so Mr. Hannon would rather have a commercial business occupy this space.

Mr. Hannon asked for public comment.

Public comment:

- 1) Mr. Bob Shay, owner of Montowese Meat Market, spoke in favor.
- 2) Kristina Salamone, applicant's niece, spoke in support of the application. She feels parking is the hardship.

There being no further public comment, the public hearing was closed.

Mr. Clark read the call for the second agenda item.

2. #08-54 Application of Bob and Kathi Mickolyzck, Owners and Applicants, relative to 30 George Street, (Map 67, Lot 107), per Section 2.1.1.9, requesting a 7' side yard variance to allow a 3' side yard for a two story addition. R-12 Zoning District.

Attorney Gail Sims with the Pellegrino Law Firm presented the application to allow a 3' side yard for a two-story addition. Having two front yards is the hardship. Mr. Calamita, neighbor, wrote a letter in support of the application. Mr. Bob Mickolyzck, owner, answered questions from the Commission. Mr. Hannon feels this structure is excessive.

Mr. Hannon asked for public comment.

There being no public comment, the public hearing was closed.

3. #08-55 Application of Anthony S. Bonadies, Applicant, Edward Saccu, Owner, relative to 3303 Dixwell Avenue, (Map 57, Lots 11 & 113), per Section 2.1.1, requesting a variance to permit the use of the property for professional and business offices. R-20 Zoning District.

Mr. Clark recused himself and Ms. Juniewicz sat for this application.

Attorney Bernard Pellegrino, Jr., presented the application to permit professional and business offices in an R-20 Zoning District. The building on this property is pre-existing, non-conforming. Attorney Pellegrino, stated that the property at 3308, across the street, has a permitted use variance for offices. The barn on the site will remain and the house will maintain a residential look.

Mr. Pellegrino submitted letters from neighbors in support of this application. The hardship is the intersection and traffic making it difficult to use as a residence. Mr. Anthony Bonadies, applicant, answered questions from the Board. Mr. Bonadies will occupy the first floor. Mrs. Genovese asked about parking. Mrs. Ranciato-Viele is concerned about the future use of the barn.

Mr. Hannon asked for public comment.

Public comment:

1. Terry Talburt, 14 Barton Circle, resident of North Haven for 11 years. She is concerned with commercial use affecting the value of her property and losing her buffer zone.
2. Kristine Gesino, 22 Barton Circle, is concerned with what could happen in the future with uses if this property is sold.
3. Joseph Gesino, 22 Barton Circle, is concerned with paving having an impact on drainage.

Attorney Pellegrino, Jr. stated that he wanted to amend the variance to the residential structure only and responded to the public comment. Mrs. Ranciato-Viele asked if the barn could be used as a residential use. Mr. Pellegrino responded yes.

There being no further public comment, the public hearing was closed

DELIBERATION SESSION:

1. #08-53 Application of Joseph Sorrentino, Owner and Applicant, relative to 139 Middletown Avenue.

Mr. Cappucci moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – nay Ranciato-Viele – nay Clark - nay Genovese – nay Cappucci - nay

The application was therefore denied.

In denying the application, the Board stated the following.

1. The Board finds there is no hardship.
 2. Residential use is not allowed in a commercial zone.
2. #08-54 Application of Bob and Kathi Mickolyzck, Owners and Applicants, relative to 30 George Street.

Mrs. Genovese moved to approve the application; Mr. Cappucci seconded the motion.

Mrs. Genovese moved to amend the approval by having this current variance supersede any prior variances; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele – aye Clark - aye Genovese – aye Cappucci – aye

The Board stated the following:

1. The hardship is having two front yards.

3. #08-55 Application of Anthony S. Bonadies, Applicant, Edward Saccu, Owner, relative to 3303 Dixwell Avenue.

Mrs. Genovese moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – nay Ranciato-Viele – nay Genovese – nay Cappucci – nay
Juniewic – nay

The application was therefore denied.

In denying the application, the Board stated the following.

- 1) The Board finds there is no hardship.
- 2) The Commission considered the neighbor's concerns regarding the long term effect of granting this variance.

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer, discussed recent zoning violations.

CORRESPONDENCE: Conn. Federation of Planning & Zoning Agencies,
Fall 2008 Newsletter

MINUTES:

November 20, 2008

Mrs. Ranciato-Viele moved to approve the minutes of November 20, 2008; Mrs. Genovese seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele – aye Genovese – aye Cappucci – aye Martin - aye

OTHER: None

ADJOURN:

There being no further business, Mr. Cappucci moved to adjourn; Mrs. Ranciato-Viele seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:15 PM.